

**United States District Court for the District of Columbia**

**United States of America**

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**v.**

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**Crim. No. 1:18-mj-00147-RMM**

**Ernest Wagner**

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**Joint Motion to Continue Status Hearing and to Exclude Time from the  
Requirements of the Speedy Trial Act and Plan**

Pursuant to 18 U.S.C. § 3161(h)(1)(D) and (7)(A), L. Cr. R. 45.1(B)(13)(d), defendant Ernest Wagner and the government move to continue the status hearing that is currently scheduled for September 30, 2019 and to exclude from calculation of the time requirements established in § 3161 (a) – (g) the seventy days resulting from the parties' request for continuance. In support, the parties state:

1. The government filed this Complaint on December 4, 2018. Doc. 1.
2. Mr. Wagner was arrested on December 11, 2018. Doc. 3.
3. His initial appearance in the Western District of Washington (Seattle) was on December 11, 2018. Doc. 5 in 2:18-mj-00566-JPD (W.D.Wa.).
4. His initial appearance in the District of Columbia was on January 4, 2019. See, Docket re: Minute Entry for Jan. 4, 2019.
5. Mr. Wagner and the government believe that additional time is likely to result in a negotiated settlement.
6. Counsel for the parties have negotiated a global plea agreement, which involved coordination with the U.S. Attorney's Office for the Western District of Washington.
7. The government sent a written plea offer on September 16, 2019.

8. I need to meet with Mr. Wagner, in order to go over it and review discovery with him.

9. Although Mr. Wagner is not detained, he lives in the Western District of Washington.

10. I have begun the process of obtaining authorization for travel at C.J.A. expense, and that request is currently pending.

11. Hopefully, I will receive that authorization shortly after the beginning of the new fiscal year on October 1, 2019.

12. I expect to make travel arrangements as soon as I receive the necessary authorization.

13. The parties believe: (i) that failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice; (ii) that the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by 18 U.S.C. § 3161; (iii) that in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in § 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex; and (iv) that the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to

fall within clause (ii), would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the government continuity of counsel, or would deny counsel for the defendant or the attorney for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

14. The parties are available on November 21, 2019 at 1:30 p.m.

15. Assistant United States Attorney Lindsay J. Suttenger and I discussed this request, and she indicated that the government does not object.

/s/

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Counsel for Ernest Wagner

# Certificate of Service

I hereby certify that on this 26<sup>th</sup> day of September, 2019 a copy of the foregoing Joint Motion to Continue Status Hearing and to Exclude Time from the Requirements of the Speedy Trial Act and Plan was delivered electronically to Ms. Lindsay Jill Suttenger (lindsay.suttenger@usdoj.gov), Office of the United States Attorney, 555 Fourth Street, NW, Washington, DC 20530.

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/s/  
William L. Welch, III